

EXHIBIT B

1 JACOB D. FLESHER – SBN 210565
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4 **FLESHER SCHAFF & SCHROEDER, INC.**
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9 Attorneys for defendants,
10 NATIONAL RAILROAD PASSENGER CORPORATION and
11 UNION PACIFIC RAILROAD COMPANY

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

14 * * *

15 FARHAMN RASOOL; MEHWISH KHALID,
16 Plaintiffs,

17 vs.

18 UNION CITY; COUNTY OF ALAMEDA; STATE
19 OF CALIFORNIA; AMTRAK; UNION PACIFIC
20 RAILROAD COMPANY; and, DOES 1 through
21 25, inclusive.

22 Defendants.

23 **CASE NO. RG21103963**

24 *Complaint filed: 7/7/2021*

25 *Trial Date: not set*

26 **NOTICE TO ADVERSE PARTY OF
27 REMOVAL TO FEDERAL COURT**

28 PLEASE TAKE NOTICE THAT a Notice of Removal was filed in this action in the United
29 States District Court for the Northern District of California on August 23, 2021. A copy of that Notice of
30 Removal is attached as Exhibit "A" to this notice and is served and filed with it.

31 DATED: August 23, 2021

32 **FLESHER SCHAFF & SCHROEDER, INC.**

33 By

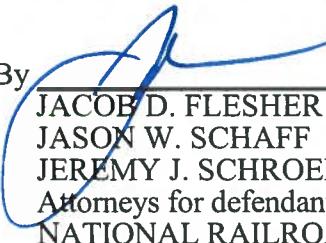
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35 **JACOB D. FLESHER**
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38 Attorneys for defendants,
39 NATIONAL RAILROAD PASSENGER
40 CORPORATION and UNION PACIFIC
41 RAILROAD COMPANY

EXHIBIT A

1 JACOB D. FLESHER – SBN 210565
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6 Attorneys for defendants,
NATIONAL RAILROAD PASSENGER CORPORATION and
UNION PACIFIC RAILROAD COMPANY

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 FARHAMN RASOOL; MEHWISH KHALID,

13 vs.
14 UNION CITY; COUNTY OF ALAMEDA; STATE
15 OF CALIFORNIA; AMTRAK; UNION PACIFIC
RAILROAD COMPANY; and, DOES 1 through
25, inclusive.

Defendants.

CASE NO.

Complaint filed: 7/7/2021

Trial Date: not set

**DEFENDANT, NATIONAL RAILROAD
PASSENGER CORPORATION dba
AMTRAK'S NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
SECTION 1331.**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE THAT defendant NATIONAL RAILROAD PASSENGER CORPORATION (“AMTRAK”) removes to this Court the state action described below.

1. On July 7, 2021, an action was commenced in the Superior Court of California in and for the County of Alameda entitled *Farhan Rasool et al. v. Union City, et al.* Case No. RG21103963. A true and correct copy of the Summons and Complaint filed in this action is attached as **Exhibit “A.”**

2. The first date upon which defendant AMTRAK received a copy of the Complaint was July 22, 2021. Therefore, this Notice of Removal is filed within 30 days after receipt by AMTRAK of a copy of the pleading setting forth the claim for relief upon which this action is based.

1 3. This action is a civil action of which this Court has original jurisdiction under 28
2 U.S.C. § 1331 and is one which may be removed to this Court by defendant AMTRAK pursuant to 28
3 U.S.C. § 1349. In *Union Pac.R.R.Co. v. Myers*, 115 U.S. 1 (1885), the Supreme Court held that any
4 suit involving a federally chartered railroad raises a federal question under § 1331. *Id.* at 11. Congress
5 limited that holding's reach by passing 28 U.S.C. § 1349, *Am. Nat'l Red Cross v. S.G.*, 505 U.S. 247,
6 251 (1992), which provides: "The district courts shall not have jurisdiction of any civil action by or
7 against any corporation upon the ground that it was incorporated by or under an Act of Congress,
8 unless the United States is the owner of more than one-half of its capital stock," 28 U.S.C. § 1349.
9 AMTRAK was created by act of Congress, and the United States owns more than 50 percent of
10 AMTRAK's stock. *Pa. Fed'n of Bhd. Of Maint. of Way Employees v. Nat'l R.R. Passenger Corp.*, 989
11 F.2d 112, 113 n.2 (3d Cir. 1993). Thus, this Court has subject matter jurisdiction here pursuant to 28
12 U.S.C. §§ 1331 and 1349.

13 4. Venue is appropriate in this Court because the action was removed from Alameda
14 County Superior Court. 28 U.S.C. § 1446(a).

15 5. AMTRAK is informed and believes that the only other defendant to be served and not
16 dismissed in the action is UNION CITY, which has consented to this removal by its counsel.

17 5. A copy of the Notice to Adverse Party of Removal to Federal Court that will be filed
18 with the Superior Court of California, County of Alameda, is attached as **Exhibit "B."**

19 6. AMTRAK requests a jury trial.

20 AMTRAK prays that this action be removed to this Court.

21 DATED: August 23, 2021

FLESHER SCHAFF & SCHROEDER, INC.

22 By /s/ Jacob D. Flesher
23 JACOB D. FLESHER
24 JASON W. SCHAFF
25 JEREMY J. SCHROEDER
26 Attorneys for defendants,
27 NATIONAL RAILROAD PASSENGER
28 CORPORATION and UNION PACIFIC
 RAILROAD COMPANY

PROOF OF SERVICE

I, Noelle Murray, declare that:

I am a citizen of the United States and am over the age of eighteen years and not a party to the within above-entitled action. My business address is 2202 Plaza Drive, Rocklin, CA 95765.

On August 23, 2021, I caused to be served the within document, on the parties in said action addressed as follows:

NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT

Service List

Adina A. Ostoia Kate Jamsheed KJ Injury & Accident Lawyers, P.C. P.O. Box 641249 Los Angeles, CA 90064	Attorneys for Plaintiffs adina@kjinjurylaw.com kate@kjinjurylaw.com
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[By Mail] I am familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service and that each day's mail is deposited with the United States Postal Service that same day in the ordinary course of business. On the date set forth above, I served the aforementioned document(s) on the parties in said action by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid, for collection and mailing on this date, following ordinary business practices at Rocklin, California, addressed as set forth above.

[By Email] I caused a copy of such documents to be sent via email to the addressee(s) below.

[By Overnight Courier] By causing a true copy and/or original thereof to be personally delivered via the following overnight courier service: FedEx.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 23, 2021, at Rocklin, California.


Noelle Murray